

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

|                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| <b>IN RE:</b>                   | § |                                 |
| <b>ADRIANA LARA fka ADRIANA</b> | § | <b>CASE NO. 09-41111-RFN-13</b> |
| <b>GARZA,</b>                   | § | <b>CHAPTER 13</b>               |
| <b>Debtor</b>                   | § |                                 |
|                                 | § |                                 |
|                                 | § |                                 |
|                                 | § |                                 |

**MOTION TO ANNUL CONVEYANCES OF ESTATE PROPERTY MADE IN  
VIOLATION OF 11 U.S.C. §363**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT ELDON B. MAHON U.S. COURTHOUSE, 501 W.TENTH STREET, FORT WORTH, TEXAS 76102-3643 BEFORE CLOSE OF BUSINESS ON FEBRUARY 21, 2011, WHICH IS AT LEAST 24 DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

COMES NOW **AURORA LOAN SERVICES, LLC**, in its capacity as servicer for Federal National Mortgage Association a/k/a Fannie Mae, their successors and/or assigns (collectively "Creditor" or "Movant"), a secured creditor, to file this *Motion to Annul Conveyances of Estate*

*Property Made in Violation of 11 U.S.C. §363* ("Motion"), and in support thereof Movant would show the Court as follows:

**Jurisdiction**

1. On or about **February 26, 2009**, Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code, and **ALICE WHITTEN** was appointed Chapter 13 Trustee.

2. This Court has jurisdiction of this Motion by virtue of 11 U.S.C. §§105, 361, 362, 363, and 28 U.S.C. §§1334 and 157 and all other applicable rules and statutes affecting the jurisdiction of Bankruptcy Courts generally.

**Factual Background**

3. Movant is the owner and holder of the following Note secured by a Deed of Trust of even date therewith covering certain real property located at **9032 QUARTER HORSE LANE, FORT WORTH, TX 76123** ("Property"). Copies of the Note and Deed of Trust are attached to Movant's proof of claim on file in this case.

**Debt and Collateral Description**

4. A Note ("Note") in the original principal amount of **\$112,761.00**, dated **January 9, 2006**, was executed by original mortgagor, **ADRIANA LARA AN UNMARRIED WOMAN**, to **CTX MORTGAGE COMPANY, LLC**. In connection therewith, **ADRIANA LARA AN UNMARRIED WOMAN** executed a Deed of Trust which was duly recorded. The Note and Deed of Trust were subsequently assigned to Creditor.

5. As established on the record at the hearing held on January 4, 2011, the Property was the subject of several conveyances by several parties. All of the conveyances were made without consent of Movant or with authority from this Court.

**The Purported Post-Petition Conveyances, Revisited**

6. Debtor Adriana Lara entered into a Trust Agreement on May 31, 2010, conveying the Property to the “Lara Family Trust” to which Scott Irvin and Amy Irvin were named beneficiaries. A copy of the Trust Agreement was admitted into evidence at the January 4, 2011 hearing and is incorporated by reference herein.

7. On the same day that the Lara Family Trust was established, the Debtor conveyed the Property to Amy Irvin in her purported capacity of trustee of the Lara Family Trust. A copy of the *General Warranty Deed* executed by the Debtor was admitted into evidence at the January 4, 2011 hearing and is incorporated by reference herein.

8. The Property was then purportedly sold by Mina’s Property Management Company to Rabia Ashraf. A copy of the *Residential Contract* was admitted into evidence at the January 4, 2011 hearing and is incorporated by reference herein.

9. Amy Irvin thereafter resigned her alleged trusteeship of the Lara Family Trust on or about June 27, 2010, naming Rabia Ashraf as successor trustee. A copy of the *Affidavit of Resignation and Appointment of New Trustee* was admitted into evidence at the January 4, 2011 hearing and is incorporated by reference herein.

10. Scott Irvin thereafter executed a purported *Assignment of Beneficial Interest in Trust* assigning the beneficial interest in the Lara Family Trust to Rabia Ashraf. A copy of the *Assignment of Beneficial Interest in Trust* was admitted into evidence at the January 4, 2011 hearing and is incorporated by reference herein.

11. Rabia Ashraf then executed a General Warranty Deed, in her capacity as alleged trustee of the Lara Family Trust, conveying the property from the Lara Family Trust to Rabia Ashraf

in her personal capacity. A copy of the *General Warranty Deed* was admitted into evidence at the January 4, 2011 hearing and is incorporated by reference herein.

**The Effect of the Purported Conveyances**

12. None of the foregoing conveyances were approved by this Court, in derogation of 11 U.S.C. §363, or Movant, in derogation of Paragraph 18 of the Deed of Trust.

13. The aforementioned conveyances have clouded Movant's title to the Property, in derogation of Tex. Govt. Code Ann. §51.901, Tex. Bus. & Comm. Code §24.001 and Tex. Civ. Prac. & Rem. Code Ann. §12.001.

14. Movant asserts that the purported conveyances of the Property by the Debtor, Scott Irvin, Amy Irvin, Dan Heskett, Mina's Real Property Management, Rabia Ashraff, and the Lara Family Trust are wholly invalid and should be declared invalid ab initio.

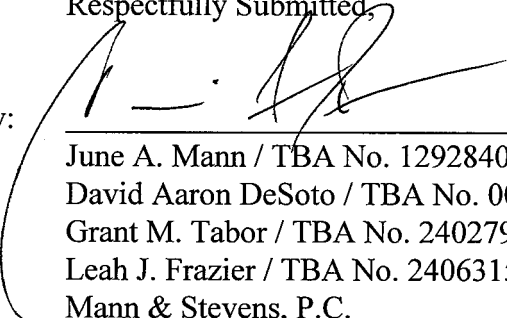
15. Movant has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for which it is entitled to be reimbursed under the terms of the Note and other applicable federal and state law and/or from such persons and entities that the Court deems appropriate.

**Prayer**

**WHEREFORE, PREMISES CONSIDERED,** Movant prays that the unapproved purported conveyances set forth herein be declared invalid ab initio, that Creditor recover its attorney fees and costs in connection with the matters raised herein, and that Creditor be afforded such other and further relief, both at law and in equity, to which it may show itself justly entitled.

Respectfully Submitted,

By:

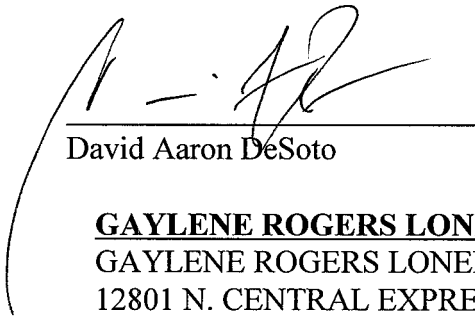


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ATTORNEY FOR CREDITOR

**CERTIFICATE OF CONFERENCE AND CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2011, I spoke to Richard Anderson at the office of the Debtor's attorney regarding the filing of this Motion and the basis of said Motion. I hereby certify that a true and correct copy of the foregoing *Motion to Annul Conveyances of Estate Property Made in Violation of 11 U.S.C. §363* has been served upon the following parties via electronic means through the Court's CM/ECF system or by pre-paid regular first class U.S. Mail on January 28, 2011.



David Aaron DeSoto

**DAN HESKETT**

DAN HESKETT  
P.O. BOX 560564  
THE COLONY, TX 75056-0564

DAN HESKETT  
3713 SPRING RUN LANE  
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**JUANA HESKETT**

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**LOLITA SHERIOW**

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**SUSIE RODRIGUEZ**

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**GAYLENE ROGERS LONERGAN**

GAYLENE ROGERS LONERGAN  
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**DEBTOR'S ATTORNEY**

**(via electronic notice)**  
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DALLAS, TX 75243

**DEBTOR**

ADRIANA LARA fka ADRIANA GARZA  
C/O LEINART LAW FIRM  
11520 N. CENTRAL EXPRESSWAY  
SUITE 212  
DALLAS, TX 75243

ADRIANA LARA fka ADRIANA GARZA  
9032 QUARTER HORSE LN.  
FORT WORTH, TX 76123

**SCOTT IRVIN**

SCOTT IRVIN  
2810 TIMBER HILL DRIVE  
GRAPEVINE, TX 76051

**AMY IRVIN**

AMY IRVIN  
2810 TIMBER HILL DRIVE  
GRAPEVINE, TX 76051

**TRUSTEE**

**(via electronic notice)**

ALICE WHITTEN  
6100 WESTERN PLACE  
SUITE 1050  
FORT WORTH, TX 76107

**U. S. TRUSTEE**

**(via electronic notice)**

US TRUSTEE  
1100 COMMERCE ST., ROOM 976  
DALLAS, TX 75242

**RABIA ASHRAF**

RABIA ASHRAF  
9032 QUARTER HORSE LN.  
FORT WORTH, TX 76123

**OFFICE OF THE ATTORNEY**

**GENERAL OF THE STATE OF TEXAS**

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**PARTIES REQUESTING NOTICE**

**(via electronic notice if so designated for receipt of such in CM/ECF)**

TODD WYATT DEATHERAGE  
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DALLAS, TEXAS 75201

EBONEY COBB  
PERDUE BRANDON FIELDER COLLINS, ET AL  
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JOE M. LOZANO, JR.  
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